

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS TX 75202-2733

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GENERAL NOTICE LETTER
URGENT LEGAL MATTER - PROMPT REPLY NECESSARY

Stuart Transportation Company 5454 Wisconsin Avenue, Suite 1600 Chevy Chase, Maryland 20815



Re:

SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana;

CERCLIS #: LAD008434185; General Notice Letter

### Dear Madam/Sir:

The purpose of this letter is to provide Stuart Transportation Company (hereinafter is referred to as "Stuart Transportation Company" "you" or "your"), with written notice of your potential liability at the SBA Shipyard Superfund Site ("Site") located in Jennings, Jefferson Davis Parish, Louisiana. Information available to the U.S. Environmental Protection Agency ("EPA" or the "Agency") indicates that Stuart Transportation Company may be responsible for the cleanup or costs of cleanup of the contamination found at the Site under the Comprehensive Environmental Response, Liability, and Compensation Act ("CERCLA").

Under CERCLA, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. The EPA has documented that such a release or threat or release has occurred at the SBA Shipyard Superfund Site. The EPA has spent public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site.

### **Explanation of Potential Liability**

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health and welfare or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site. PRPs include current and former owners and operators of the Site, as well as persons who sent or transported hazardous substances to the Site for disposal or treatment or who arranged for the disposal or treatment of hazardous substances at the Site.

Based on the information collected, the EPA believes that Stuart Transportation Company may be liable under Section 107(a) of CERCLA, with respect to the SBA Shipyard Superfund Site, as an arranger, who by contract or agreement, arranged for the disposal, treatment, or transportation of hazardous substances at the Site.

### **Site History**

The Site is situated on approximately 98 acres of land located in a rural-industrial area at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana 70546. The Site is within Section 19 of Range 2W, Township 105 and is located at the end of Louisiana Highway 3166) which is on the west bank of the Mermentau River. The Site is approximately four miles southeast of downtown Jennings and two miles southwest of the village of Mermentau. The Site is bordered to the north by residents, south and west by wetlands, and east by the Mermentau River and wetlands.

The Site primarily consists of two separately-owned parcels of property, one southern and one northern. The southern and northern properties are generally divided by a property line that runs just north of the large barge slip. Suzanne Smaihall Cornelius, (heir of Louis Smaihall, principal of SBA Shipyards, Inc.) and SBA Shipyards, Inc. (now inactive) own the southern property, which historically was operated as a barge cleaning operation. Bunge Street Properties, LLC, f/k/a Leevac Shipyards, Inc., owns the northern property, which historically was operated as a vessel construction and repair operation.

SBA Shipyards, Inc. ("SBA") began operations at the Site on about 1965. Initially, it performed vessel construction and repair operations on what is now the northern parcel. In the 1970s, SBA constructed the graving dock on the northern parcel and dredged the barge slip and constructed the barge cleaning facility on what is now the southern parcel. Leevac Shipyards, Inc. ("Leevac") entered into a lease with option to purchase for the northern vessel construction and repair facility with SBA in 1993. Leevac operated vessel construction and repair operations on the northern parcel beginning in 1993. Leevac then exercised its option to purchase in 1998 and acquired the northern parcel at that time and continued its operations. SBA continued to operate its barge cleaning operations on the southern parcel up until approximately 2006, when Mr. Smailhall died.

Vessel construction and repair utilized two launch slips with on-land rails to haul and launch vessels and eventually a graving dock with a moving gate where a vessel could enter and the dock de-watered to allow construction and repairs on dry land. Both SBA and Leevac activities included sandblasting, cutting and painting, as well as fabricating and repairing vessels. Barge cleaning operations were conducted by SBA only on the southern parcel. SBA converted a small barge placed on land adjacent to the barge slip into its "boiler barge," which it used to generate steam for use in cleaning barges and it also served as the barge cleaning control room.

SBA cleaned barges and other vessels that had contained as last cargos a variety of materials, including, but not limited to: acrylates, asphalt, carbon tetrachloride, coal tar, coke oven tar, carbon black, carbon oil, , caustic soda, creosote, cumene, black oil and black oil slop, bunker crude, diesel fuel, heavy grease, waste water, ethyl acrylates, kerosene, lube oil, methanol, number 6 oil, rust, scale, styrene, sour gas oil, soy bean oil, sulphuric acid, tallow, and vinyl acetate.

SBA used a large partially buried barge, as well as above-grade tanks constructed from cut-up barges, to store liquids, sludges, solids and other materials during the barge cleaning process. SBA also constructed and used an unlined surface impoundment called the Oil Pit to store liquids, sludges, solids and other materials. Aside from the Oil Pit, SBA used three other unlined surface impoundments, called Water Pits 1, 2 and 3, to receive wastewater, sludges and solids from the barge cleaning process.

In December 10, 2002, EPA entered into an Order and Agreement for Interim Measures/Removal Action (IM/RA) of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., Docket No. RCRA-6-2002-0908, pursuant to RCRA Section 3008(h) ("2002 Order/Agreement") with SBA and SSIC Remediation, LLC ("SSIC"), an entity formed by certain former customers of SBA's barge cleaning operations to conduct this work. Interim removal activities were conducted from March 2001 through January 2005 under the 2002 Order/Agreement. Interim removal activities consisted of the removing, solidifying, and recycling and/or disposing off-site the waste in the Oil Pit and Water Pit 2 and then over-excavation of the Oil Pit and Water Pit 2; removal and scrapping of above ground storage tanks; draining and refilling of Water Pit 3; removing all pumpable materials from the partially buried barge and disposing those materials off-site, then welding shut all hatches to that barge, and surface scrapping of all visible materials from a former land treatment unit (FLTU). By letter dated February 24, 2006, EPA Region 6's RCRA branch reviewed and approved the completion report of the IM/RA activities and concluded that the completion report fulfilled the 2002 Order/Agreement. The IM/RA, however, was intended as an interim response; hazardous substance remained onsite after the IM/RA.

In October 2012, the U.S. Coast Guard and the LDEQ responded to a reported release at the barge cleaning portion of the Site from an attempt to scrap the "boiler barge" and the partially buried storage barge by parties contracted by the owner of the southern portion of the Site. During 2014 to 2015, EPA conducted a CERCLA emergency removal action and an Oil Pollution Act of 1990 removal action after LDEQ reported barge scrapping activities and releases of visible liquids at the Site.

Between December 2012 and September 2014, EPA conducted a preliminary assessment, site inspection, and expanded site inspection. As part of EPA activities, the Agency conducted sampling activities at the Site. During those site activities, EPA sampling documented releases or threats of releases of hazardous substances in the subsurface and groundwater of the Site, the Mermentau River, and wetlands surrounding the Site. Numerous hazardous substances were identified at the Site including petroleum hydrocarbons, numerous polycyclic aromatic hydrocarbons, dioxins/furans, metals, and volatile organic compounds Petroleum and non-petroleum substances found at portions of the Site are or were comingled.

### Information to Assist You

The EPA would like to encourage communication between you, other PRPs, and EPA at the Site. The EPA is in the process of negotiating a remedial investigation/feasibility study administrative settlement and order on consent ("ASAOC") for the Site with some of the potentially responsible parties. If you'd like to discuss the opportunity to join this ongoing settlement, please contact counsel representing the group of potentially responsible parties below within 30 days of receipt of this Notice Letter:

Michael A. Chernekoff
Partner
Jones Walker LLP
1001 Fannin St., Ste. 2450
Houston, Texas 77002
(713) 437-1827
mchernekoff@joneswalker.com

We encourage you to give this matter your immediate attention and request. The EPA plans to finalize the ASAOC after the 30-day response period for this General Notice. If you choose not to join the ongoing settlement discussions or pursue other options to satisfy your potential liability with the EPA, the EPA will evaluate enforcement options, including issuing special notice letters to all potentially liable parties known to the EPA at that time

Also included in this letter to assist you are: the evidentiary documents as Enclosure A; the Small Business Resource Fact Sheet as Enclosure B, and the parties receiving this letter as Enclosure C.

### Financial Concerns/ Ability-to-Pay Settlements

The EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. In accordance with Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7), the EPA will review financial information that you submit in order to determine whether you have an inability or a limited ability to pay response costs incurred at the Site. As part of this review, the EPA will take into consideration your overall financial condition and demonstrable constraints on your ability to raise revenue. Based upon the financial information that you may submit, EPA will determine whether it can qualify for a reduction in the settlement amount and/or an alternative payment method within the meaning of Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7).

If you believe that you qualify for a reduction in any settlement amount and/or alternative payment amount under the criteria described in the paragraphs above, please contact Mr. Talton, at 214-665-7475 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and an information request for your relevant financial information, and you will be asked to submit financial records including business federal income tax returns. If the EPA concludes that you have a legitimate inability to pay the full amount of the response costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because the EPA has a potential claim against you, if your financial status changes in any significant way, e.g., filing for bankruptcy, you must include the EPA as a creditor. The EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

### Resources and Information for Small Businesses

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may download a copy of the law at <a href="http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf">http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf</a> and review the EPA guidances regarding these exemptions at <a href="http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/">http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/</a>.

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at <a href="http://www.epa.gov/compliance/compliance-assistance-centers">http://www.epa.gov/compliance/compliance-assistance-centers</a>. In addition, the EPA Small Business Ombudsman may be contacted at <a href="http://www.epa.gov/resources-small-businesses/forms/contact-us-about-resources-small-businesses">http://www.epa.gov/resources-small-businesses</a>. Finally, the EPA has developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA) and information on resources for small businesses, which is enclosed with this letter as Enclosure B and available on the Agency's website at <a href="http://www.epa.gov/compliance/small-business-resources-information-sheet">http://www.epa.gov/compliance/small-business-resources-information-sheet</a>.

Thank you in advance for your cooperation. We look forward to working closely with you in the future. If you have any questions regarding the notice or any of the documentation included, please contact Mr. Talton at 214-665-7475 or talton.chuck@epa.gov. Questions concerning legal matters should be directed to the EPA site attorney, Ms. I-Jung Chiang, at 214-665-2160 or chiang.i-jung@epa.gov. Thank you for your attention to this matter.

Sincerely yours,

Ben Banipal, P.E., Branch Chief Technical and Enforcement Branch

Superfund Division

### **Enclosures:**

A Evidentiary Documents

B Small Business Resource Fact Sheet

C Parties Receiving General Notice letter

### **ENCLOSURE A**

### SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA GENERAL NOTICE LETTER

### **EVIDENTIARY DOCUMENTATION**

Invoices and/or Marine Chemist Certificates

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QUALIFICATIONS: Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or reissue of Certificate for the spaces so affected. All lines, vents, heating colls, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 306 Subsections, 1-6.1 through 1-64, and Subsection 5-32)

SAFE FOR WORKERS Means that in the compartment or space so designated (a) the oxygen content of the atmosphere is at least 19.5 percent by volume, and that, (b) toxic materials in the atmosphere are within permissible concentrations, and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate

NOT SAFE FOR WORKERS. Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met

SAFE FOR HOT WORK: Means that in the compartment so designated (a) oxygen content of the atmosphere is at least 195 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit, and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate, and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or lube oil tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements

NOT SAFE FOR HOT WORK: Means that in the compartment so designated, the requirements of Sale for Hot Work have not been met

SAFE FOR REPAIR YARD ENTRY Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted

CHEMIST'S ENDORSEMENT. This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation

The undersigned acknowledges receipt of this Certificate under Section 2-3 of NFPA 306 and understands conditions and limitations understands conditions and limitations underwhich it was issued

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.

Company Date Signed Marine Church Control Cont

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SAFE FOR HOT WORK Means that in the compartment so designated. (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed, and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit, and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and white maintained as directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent spaces containing or having contained flammable. or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily merted, or, in the case of fuel tanks or lube oil tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements

NOT SAFE FOR HOT WORK Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met

SAFE FOR REPAIR YARD ENTRY. Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated. (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen and less than 10 percent of the lower flammable limit, or (b) are inerted

CHEMIST'S ENDORSEMENT. This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation

"The undersigned acknowledges receipt of this Certificate under Section 2.3 of NFPA 306 and understands conditions and limitations under which it was assued

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions

NOTE THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS

MARINE CHEMIST CERTIFICATE P.O. BOX 3602 BEAUMONT, TEXAS 77704 (409) 832-6409, 966-4822, 866-4223 SERIAL NO. E 35458 HATAWAY 537 K. L. MERCER 577 Survey Requested by Vessel Owner or Agent Specific Location of Vessel 1 60 Lást Three (3) Cargoes Tests Performed Time Survey Completed In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or it in any doubt, immediately stop all work and contact the undersigned Marine Chemist. QUALIFICATIONS: Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compariments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or reissue of Certificate for the spaces so affected. All lines, vents, heating colls, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated. STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 306 Subsections 2-3 1 through 2-35, and Subsection 6-3 2) SAFE FOR WORKERS Means that in the compartment or space so designated (a) the oxygen content of the atmosphere is at least 19.5 percent by volume, and that, (b) toxic materials in the almosphere are within permissible concentrations, and that, (c) the residues are not capable of producing toxic materials under existing almospheric conditions while maintained as directed on the Marine Chemist's Certificate NOT SAFE FOR: WORKERS. Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met ENTER WITH RESTRICTIONS. Means that in any compartment or space so designated, entry for work may be made only if conditions of proper protective equipment, clothing, and time are as specified SAFE FOR HOT WORK Means that in the compartment so designated (a) oxygen content of the atmosphere is at least 19 5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed, and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit, and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate, and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or lube oil tanks; or engine room or fire room bilges, have been treated in accordance with the Manne Chemist's requirements SAFE FOR HOT WORK: Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met. SAFE FOR REPAIR YARD ENTRY. Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19 5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted CHEMIST'S ENDORSEMENT. This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation The undersigned acknowledges receipt of this Certificate under Section 2-6 of NFPA 306 and understands conditions and limitations under which it was issued." This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.

	CERTIFICALL
MARING CHEMISTS', INC. OF TEXTS	MARINE CHEMIST CERTIFICATE SERIAL NO. E 54817
MARINE CHEMISTS, INC., TEXAS 77704 P.O. BOX 3602 BEAUMONT, TEXAS 77704 (409) 832-6409, 866-4822? 866-4223 (409) 832-6409, 866-4822? 866-4223	SERIAL NO. 2
(409) 832-6409, 800-4022, EGGEP 517	The state of the s
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Survey Requested by Vess	Sel Owner or Agent 1 5 TA MERMITUZZ
	Type of Vessel
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In the event of any physical or atmospheric changes adverse	ly allecting the STANDARD SAFETY DESIGNATIONS assigned to any
of the above spaces or if in any doubt, immediately stop all.  QUALIFICATIONS: Transfer of ballast or manipulation of valves or	closure equipment tending to after conditions in pipe lines, tanks or compart-
ments subject to gas accumulation, unless specifically approved in the spaces so affected. All lines, vents, heating coils, valves	inthis Cortificate, requires inspection and endorsement or release of Certificate , and similarly enclosed appurtenances shall be considered "not safe" unless
otherwise specifically dealgranted. STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 308	Subsections 2-3 1 through 2-3.5, and Subsection 6-3.2)
in the atmosphere are within permissible concentrations; and that, (c) the residues	j the oxygen content of the almosphere is at least 19.5 percent by volume, and that, (b) toxic materials are not capable of producing toxic materials under existing atmosphenc conditions while maintained
as directed on the Manne Chemist a Certificate  NOT SAFE FOR WORKERS, Means that in the compartment or space so design	nated, the requirements of Sate for Workers have not been met.
time are as specified.	gnated, entry for work may be made only if conditions of proper protective equipment, clothing, and
or where external hot work is to be performed; and that, (b) the concentration of	n content of the atmosphere is at least 19.5 parcent by volume with the exception of inerted spaces illammable materials in the atmosphere is below 10 percent of the tower flammable firmt, and that dby (b) above under existing atmospheric conditions in the presence of fire, and while maintained as
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the Marine Chemist's requirements  NOT SAFE FOR HOT WORK Means that in the compartment so designated, the	o requirements of Sale for Hot Work have not been met.
SAFE FOR REPAIR YARD ENTRY Means that the compartments and spaces of sampling stations, and results indicate the atmosphere tested to be above 19.5 (	I the flammable cryogenic liquid carrier so dosignated (a) have been lested by sampling at remote percent oxygen and less than 10 percent of the lower flammable limit or (b) are inerted.
CHEMIST'S ENDORSEMENT This is to certify that I have personally determine Vessels and have found the condition of each to be in accordance with its assig	ed that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on ned designation.
"The understands conducted and initiations under which it was essued."  - understands conduces and initiations under which it was essued."	This Certilizate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.
1 Notes	3-1-90 Signed W. R. At y truste 4537
Signed Name Contrary	Out Signed Marine Chemist Continued Cont
NOTE: THIS CERTIFICATE  20M-2-88	Printed in U.S.A.
	TOMED COPY

MAKING CHEMISTS, INC. OF TEXAS P.O. BOX 3602 BEACHDNY, TEXAS 77704 (409) 332-5409. 855-4822. 865-4223 HETRITAY 537

### MARINE CHEMIST CERTIFIC SERIAL NO E 35/101

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in the event of any physical or atmospheric chang of the above spaces; or II in any doubt, immediate	ges:adversely affecting the S ely stop all work and contact	TANDARD SAFETY the undersigned M	arine Chemist.	assigned to any
QUALIFICATIONS: Transfer of ballast or manipulation				

for the spaces so affected. All lines, vents, heating colls, valves, and similarly enclosed appurtenances shall be considered "not sale" unless otherwise specifically designated.

STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 306 Subsections 2-31 through 2-35, and Subsection 6-32)

SAFE FOR WORKERS. Means that in the compartment or space so designated (a) the oxygen content of the atmosphere is at least 19.5 percent by volume, and that, (b) took malerials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmosphere conflictions. as directed on the Marine Chemist's Certificate.

NOT SAFE FOR WORKERS: Means that in the compartment or space so designated, the requirements of Sale for Workers have not been metro-

ENTER WITH RESTRICTIONS. Means that in any compartment or space so designated, entry for work may be made only if conditions of proper protective equipment, clothing, and time are as specified. time are as specified *a\* 

SAFE FOR HOT WORK Means that in the compartment so designated (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed, and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit, and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate, and further, that, [d] all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or lube oil tanks, or engine room or fire room bilges, have been treated in accordance with the Manne Chemist's requirements

NOT SAFE FOR HOT WORK Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

SAFE FOR REPAIR YARD ENTRY Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted

CHEMIST'S ENDORSEMENT. This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation

'The undersigned acknowledges receipt of this Certificate under Section 2-6 of NFPA 306 and

This Certificate is based on conditions existing at the time the Inspection heroin set forth was completed and is

20M-2-88

MARINE CHEMISTS, INC. OF TEXAS F.O. BOX 3602 BEAUMENT, PEXAS 77700 MAKIN. (409) 832-5409. 866-4822, 856-4223 W.C. 1/55 MARINE CHEMIST CERTIFICATE SERIAL NO. E 55313 W. B. HATAVAY SER K. L. MERCER 577 Specific Location of Vesset Type of Vesse

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In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

QUALIFICATIONS: Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compart, ments subject to gas accumulation, unless specifically approved in this Certificate requires inspection and endorsement or reissue of Certificate for the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not sale" unless

STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 306 Subsections 2-3 1 through 2-3.5, and Subsection 6-3.2)

SAFEFOR WORKERS Means that in the compartment or space so designated (a) the oxygen content of the almosphere is at least 19.5 percent by volume, and that, (b) toxic materials in the armosphere are within permissible concentrations and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate

NOT SAFE FOR WORKERS, Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

ENTER WITH RESTRICTIONS Means that in any compartment or space so designated entry for work may be made only if conditions of proper protective equipment, ciclining, and

SAFE FOR HOT WORK. Means that in the compartment so designated (a) oxygen content of the atmosphere is at least 19.5 percent by volume with the exception of inerted spaces or where external hot work is to be performed, and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit, and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmosphere conditions in the presence of fire, and while maintained as directed on the Manna Chemist's Cartificate, and further, that, (d) all adjacent spaces containing or having contained flammable or combusted materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or lube oil tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements

NOT SAFE FOR HOT WORK. Means that in the compartment so designated the requirements of Sale for Hot Work have not been met.

SAFE FOR REPAIR YARD ENTRY Means that the comparimonts and spaces of the flammable cryogenic flouid carrier so designated. (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19 5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

CHEMIST'S ENDORSEMENT This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on vessels and have found the condition of each to be in accordance with its assigned, designation

edges receipt of this Conficato under Section 2 6 of NFPA 308 and Unitations under which it was Issued."

This Certilicate is based on conditions issued subject to compilance with all q

NOTE: THIS CERTIFICATE IS VALID ONLY, ON MARINE VESSELS

MATTRE CHIMISTS, INC. OF TEXAS P.O. BON 3502 BEAUNGHI, TEXAS 17704 (409) 332-5400, 866-4822, 866-422;

## MARINE CHEMIST CERTIFICATE SERIAL NO. E 55214

W. D. HATAMAN 557 K. C.	MERCEN 577 190 / 176	SERIAL NO. E 55214
Survey Requested by	Vessel Owner or Agent	<u> </u>
AUNTIE MAINE Vessel	Type of Vessel	SPA MELMENTAGE Specific Location of Vessel
		Specific Location of Vessel
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In the event of any physical or atmospher of the above spaces, or if in any doubt, im	ic changes adversely affecting the STANDARD SAFETY I imediately stop all work and contact the undersigned Ma	DESIGNATIONS assigned to any rine Chemist.
	pulation of valves or closure equipment tending to alter c ocifically approved in this Certificate, requires inspection	
	enting cells, valves, and similarly enclosed appurtenanc	
	phrased from NFPA 306 Subsections 2-3.1 through 2-3.5, and Subsect r space so designated (a) the oxygen content of the almosphere is at leas	
as directed on the Marine Chemist's Certificate.	and that, (c) the residues are not capable of producing toxic materials und	
	lment or space so designated, the requirements of Safe for Workers ha artment or space so designated, entry for work may be made only if cont	
	so designated (a) oxygen content of the atmosphere is at least 19.5 per	
(c) the residues are not capable of producing a higher con-	(b) the concontration of flammable materials in the atmosphere is belo- icentration than permitted by (b) above under existing atmospheric condi- er, that, (d) all adjacent spaces containing or having contained flamm.	tions in the presence of fire, and while maintained as
sufficiently to provent the spread of fire, or are satisfactorily the Marine Chemist's requirements.	er, that, lo) all adjacent spaces containing or having contained Hamm. y inerted, or, in the case offuel tanks or lube oil tanks, or engine norm or fin	e room bilges, have been treated in accordance with
NOT SAFE FOR HOT WORK. Means that in the compar	rtment so designated, the requirements of Sale for Hot Work have not t partments and spacos of the flammable cryogenic liquid carrier so desli	
sampling stations and results indicate the atmosphere to	setted to be above 19 5 percent oxygen, and loss than 10 percent of the vertical design of the percent of the vertical design of the percent of the vertical design of the percent of the percent of the vertical design of the percent	lower flammable limit, or (b) are inerted.
Vessels and have found the condition of each to be in ac The undersigned acknowledges record of this Contilicate under Section	ccordance with its assigned designation.	or oance with NPPA Jub Control of Gas mazaros on
understands conditions and limitations under which it was issued."	Issued subject to compliance with all qualific	alibus and rushrepous

NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS

20:1-2-88

MARINE CHEMISTS, INC. OF TEXAS 77704 P.O. BOX 3602 BEAUMONT, TEXAS 77704 (409) 832-6409, 865-4822, 856-4223 W. B. HATAKAY 537 R. V. MEPCER 577

## MARINE CHEMIST CERTIFICATE

	90.1. \n, 11 / Eq	
SISA S/V Survey Requested by	STELLIARY	<u> </u>
	Vessel Owner or Agent	
AUNTE MAME	TANK FATECE Type of Vessel	Specific Location of Vessel
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ASD HALT (3) Last Three (3) Cargoes	Tasts Performad	Time Survey Completed
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In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

QUALIFICATIONS: Transfer of ballast or manipulation of valves or closure orditament tending to alter conditions in pipe lines, take or compariments subject togas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or release of Certificate for the spaces so affected. All lines, vents, hoating colls, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 306 Subsections 2-3.1 through 2-3.5, and Subsection 6-3 2)

SAFEFOR WORKERS Means that in the compartment or space so designated. (e) the oxygen content of the atmosphere is at least 19.5 percent by volume, and that, (b) toxic materials in the atmosphere are within permissible concentrations and that, (c) the residues are not capable of producing toxic materials under existing atmosphere conditions while maintained as directed on the Manne Chemist's Certificate.

NOT SAFE FOR WORKERS Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

ENTER WITH RESTRICTIONS. Means that in any compartment or space so designated, entry for work may be made only if conditions of proper protective equipment, clothing, and time are as specified

SAFE FOR HOT WORK. Means that in the compartment so designated (a) pxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed, and that (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable timit and that (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of tire and white maintained as directed on the Marine Chemist's Certificate and further that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the sproad of fire, or are satisfactorily inerted, or, in the case of fuel lanks or lube oil tanks or engine room or fire room bilges have been treated in accordance with the Marino Chemist's requirements.

NOT SAFE FOR HOT WORK Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

SAFE FOR REPAIR YARD ENTRY Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen and less than 10 percent of the lower flammable limit, or (b) are inerted

CHEMIST'S ENDORSEMENT. This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on . Vessels and have found the condition of each to be in accordance with its assigned designation

The undersigned acknowledges receipt of this Certificate under Sockon 2-6 of NFPA 306 and Understands conditions and Immations under which It was issued.

This Certificate under Sockon 2-6 of NFPA 306 and Understands conditions and Immations under which It was issued.

This Cortificate is based on conditions existing at the time the inspection herein ser forth was completed and it

Printed in U.S.A.

Signed from mach cell 5 BA 8- 37-80 Signed W Both Later 1 537

(405) 83-6405 500 4522, 856-4222 W.S. BERIAL NO. F 2383 U.B. HATAWAY 557 E.L. MBROSK 577 W.S. MULLI THE WAR STORY OF THE WAR	'haarie Chrhist, inc. or	
SET BY  THE PROPERTY OF THE PR	F.O. DOX JOVE BEAUGUNT, (409) 831-6404-500-4822	2. 856-6222
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NOTE: THIS CERTIFICATE IS VALIDIONLY ON MARINE VESSELS

### **ENCLOSURE B**

### SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA GENERAL NOTICE LETTER

### SMALL BUSINESS RESOURCES FACT SHEET

## INEORMATIONSHEET

### U. S. EPA Small Business Resources

f you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

## Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse www epa gov/opptintr/library/ppicindex htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information (800) 368-5888

Emergency Planning and Community Right-To-Know Act (800) 424-9346

National Response Center (to report oil and hazardous substance spills) (800) 424-8802

Toxics Substances and Asbestos Information (202) 554-1404

Safe Drinking Water (800) 426-4791

Stratospheric Ozone Refrigerants Information (800) 296-1996

Clean Air Technology Center (919) 541-0800

**Wetlands Helpline** (800) 832-7828

### **EPA Websites**

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page www epa gov

Small Business Assistance Program www epa gov/ttn/sbap

Compliance Assistance Home Page www epa gov/compliance/assistance

Office of Enforcement and Compliance Assurance www epa gov/compliance

Small Business Ombudsman www epa gov/sbo

Innovative Programs for Environmental Performance www epa gov/partners

### **Compliance Assistance Centers**

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers (Centers) that provide information targeted to industries with many small businesses. All Centers can be accessed at http://www.assistancecenters.net

### Metal Finishing

(1-800-AT-NMFRC or www nmfrc org)

### Printing

(1-888-USPNEAC or www pneac org)

### Automotive Service and Repair

(1-888-GRN-LINK or www ccar-greenlink org)

### **Agriculture**

(1-888-663-2155 or www epa gov/agriculture)

### **Printed Wiring Board Manufacturing**

(1-734-995-4911 or www pwbrc org)

### Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

### Transportation Industry

(1-888-459-0656 or www.transource.org)

### Paints and Coatings

(1-800-286-6372 or www paintcenter org)

### Construction Industry

(www cicacenter org)

### **Automotive Recycling Industry**

(www ecarcenter org)

### US / Mexico Border Environmental Issues

(www bordercenter org)

### State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at http://www.smallbizenviroweb.org

### Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions EPA has two policies that potentially apply to small businesses. The Small Business Policy (http://

www epa gov/compliance/incentives/smallbusiness) and Audit Policy (http://www.epa.gov/compliance/incentives/auditing)

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees or annual receipts, defined at 13 C. F.R. 121.201, in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA. Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community because the regulated community previously commented on its activities

### **Your Duty to Comply**

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

### ENCLOSURE C

# SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA PARTIES RECEIVING GENERAL NOTICE LETTER

Allied Towing
c/o Allied Towing Service LLC
Francis J Lobrano
Registered Agent for Allied Towing Service LLC
147 Keating Dr.
Belle Chasse, Louisiana 70037

Allied Towing c/o Allied Towing Service LLC 12608 Hwy 23 Belle Chase, Louisiana 70037

Koppers Company Inc c/o Beazer East Inc. Jill M. Blundon Registered Agent for Beazer East Inc 436 Seventh Aye. Pittsburgh, Pennsylvania 15219

> Koppers Company Inc c/o Beazer East Inc. 99 Wood Ave South Iselm, New Jersey 08830

Koppers Company Inc c/o Beazer East, Inc. 1910 Cochran Rd., Suite 200 Pittsburgh, Pennsylvania 15220

Higman Marine Service c/o Higman Services Corporation CT Corporation System Registered Agent for Higman Services Corporation 5615 Corporate Blvd, Suite 400B Baton Rouge, Louisiana 70808

> Higman Marine Service c/o Higman Services Corporation Attn: Legal Department 1980 Post Oak Blvd, Suite 1101 Houston, Texas 77056

Ingram Barge Co CT Corporation System Registered Agent for Ingram Barge Co. 5615 Corporate Blvd., Suite 400B Baton Rouge, Louisiana 70808 Ingram Barge Co 4400 Harding Road Nashville, Tennessee 37205

Hall-Buck Marine
c/o Kinder Morgan Bulk Terminals Inc
CT Corporation System
Registered Agent for Kinder Morgan Bulk Terminals Inc.
5615 Corporate Blvd, Suite 40B
Baton Rouge, Louisiana 70808

Hall-Buck Marine c/o Kinder Morgan Bulk Terminals Inc Attn Legal Department 7116 Hwy 22 Sorrento, Louisiana 70778

Hollywood Marine Inc., c/o Kirby Inland Marine, LP Registered Agent d/b/a CSC-Lawyers Incorporating Service Company 211 E 7th Street, Suite 620 Austin, Texas 78701-3136

Hollywood Marine Inc c/o Kirby Inland Marine LP Corporation Service Co. Registered Agent for Kirby Inland Marine LP 320 Somerulos St. Baton Rouge, Louisiana 70802-6129

> Hollywood Marine Inc c/o Kirby Inland Marine LP Attn Legal Department 55 Waugh Dr, Suite 1000 Houston, Texas 77007

Steuart Transportation Company Registered Agent National Registered Agents, Inc , of MD 351 W Canden Street Baltimore, Maryland 21201

Steuart Transportation Company 5454 Wisconsin Avenue, Suite 1600 Chevy Chase, Maryland 20815 Sabine Towing
c/o Sabine Towing & Transportation Co Inc
CT Corporation System
Registered Agent for Sabine Towing & Transportion Co.
Inc
5615 Corporate Blvd Suite 400B
Baton Rouge, Louisiana 70808

Sabine Towing & Transportation Co. Inc. c/o Sequa Corporation
Attn. Legal Department
300 Blaisdell Rd.
Orangeburg, New York 10962

Sun Oil Company c/o Sunoco, Inc Corporation Service Company Registered Agent for Sunoco, Inc. 1703 Laurel Street Columbia, SC 29201

> Sun Oil Company c/o Sunoco, Inc 1735 Market Street, Suite LL Philadelphia, Pennsylvania 19103

Sun Oil Company c/o Sunoco, Inc Kevin Dunleavy, Chief Counsel Law Department, 1735 Market Street, Suite LL Philadelphia, PA 19103 Sun Terminals of Louisiana c/o Sunoco, Inc. Corporation Service Company Registered Agent for Sunoco, Inc. 1703 Laurel Street Columbia, SC 29201

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